

DETERMINATION OF NONSIGNIFICANCE

Description of proposal:

The Forest Practices Board proposes to amend the definition of "Northern spotted owl site center" in WAC 222-16-010. The amendment would continue a moratorium on the practice of "decertifying" Northern Spotted Owl (NSO) site centers until December 31, 2008. This will extend NSO habitat protection provided by the rules at all Status 1, 2, and 3 NSO site centers recorded by the Department of Fish and Wildlife as of November 1, 2005. It will allow time for the Forest Practices Board to review its rules protecting NSO habitat and determine whether these rules need to be adjusted in light of NSO population declines, threats posed by barred owls, and changes in NSO habitat.

Proponent:

Washington State Forest Practices Board

Location of proposal, including street address, if any:

As a non-project proposal, the affected geographic area is non-federal forest lands within Washington State.

Lead agency: Forest Practices Board

The lead agency has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21c.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

This DNS is issued under 197-11-340(2); the lead agency will not act on this proposal for 14 days from November 27, 2007. Comments must be submitted by December 11, 2007.

Responsible official: Doug Sutherland

Position/Title: Commissioner of Public Lands

Phone: (360) 902-1004

Address: Forest Practices Board
c/o Patricia Anderson, Rules Coordinator
Department of Natural Resources
1111 Washington Street SE
PO Box 47012
Olympia, WA 98504-7000
(360) 902-1400

Date: 11/21/07

Signature: 

ENVIRONMENTAL CHECKLIST

Purpose of Checklist:

The State Environmental Policy Act (SEPA), Chapter 43.21 RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.

A. BACKGROUND

1. Name of proposed project, if applicable:
Northern Spotted Owl habitat conservation in Washington State forest practices
2. Name of applicant:
Forest Practices Board
3. Address and phone number of applicant and contact person:
**Forest Practices Board
c/o Patricia Anderson, Rules Coordinator
Department of Natural Resources
1111 Washington Street SE
PO Box 47012
Olympia, WA 98504-7012
(360) 902-1413**
4. Date checklist prepared:
November 19, 2007
5. Agency requesting checklist:
Forest Practices Board
6. Proposed timing or schedule (including phasing, if applicable):
The Forest Practices Board will consider rule adoption at its February 13, 2008 meeting. If the Board adopts the rule at that meeting, the effective date would be late March 2008.

Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

Throughout 2008, the Forest Practices Board will be considering whether to make changes to Title 222 WAC for Northern Spotted Owl habitat protection on non-federal forest lands.

7. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.
Pierce, John D. et al., *An Assessment of Spotted Owl Habitat on Non-federal Lands in Washington Between 1996 and 2004*, Washington Department of Fish and Wildlife, August 2005.

Buchanan, Joseph and Paula Swedeen, *Final Briefing Report to the Washington State Forest Practices Board Regarding Spotted Owl Status and Forest Practices Rules*, Washington Department of Fish and Wildlife, August 2005.

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.
This is a non-project proposal to amend Title 222 WAC, not a site-specific proposal.
10. List any government approvals or permits that will be needed for your proposal, if known.
None.
11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agency may modify this form to include additional specific information on project description.)

The Forest Practices Board proposes to amend the definition of "Northern spotted owl site center" in WAC 222-16-010. The amendment would continue a moratorium on the practice of "decertifying" northern spotted owl (NSO) site centers until December 31, 2008. This will extend NSO habitat protection provided by the rules at all Status 1, 2, and 3 NSO site centers recorded by the Department of Fish and Wildlife as of November 1, 2005. It will allow time for the Forest Practices Board to review its rules protecting NSO habitat and determine whether these rules need to be adjusted in light of NSO population declines, threats posed by barred owls, and changes in NSO habitat.

Since the Forest Practices Board adopted rules to protect the habitat of the NSO in 1996, the amount of suitable habitat within Spotted Owl Special Emphasis Areas and outside areas that are being managed under the aegis of habitat conservation plans or similar agreements has declined by an average of 16%. Furthermore, fewer plans to conserve NSO habitat at a landscape level have been developed than was anticipated when the NSO rules were adopted. With few landscape-level plans, the forest practices rules continue to rely heavily on the regulation of timber harvest at individual spotted owl sites to provide habitat conservation. During 2008 the Board will determine whether to change the Forest Practices rules pertaining to Northern Spotted Owl habitat.

12. Location of proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographical map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any applications related to this checklist.

As an amendment to the forest practices rules, the affected geographic area includes non-federal forest land within the state of Washington. In Washington State, the Northern Spotted Owl occupies forested areas on both sides of the Cascade crest and on the Olympic Peninsula.

B. ENVIRONMENTAL ELEMENTS

1. Earth

- a. General description of the site (circle one): Flat, rolling, hilly, steep slopes, mountains, other _____.
The proposal is applicable to a wide range of sites with varying topography.
- b. What is the steepest slope on the site (approximate percent slope)?
The proposal is applicable to a wide range of sites with varying topography.
- c. What general types of soils (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.
Not applicable to this non-project proposal.
- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.
Not applicable to this non-project proposal.

- e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.

Not applicable to this non-project proposal.

- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

Not applicable to this non-project proposal.

- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

Not applicable to this non-project proposal.

- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

Not applicable to this non-project proposal.

2. Air

- a. What types of emissions to the air would result from this proposal (i.e. dust, automobile, odors, industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.

Not applicable to this non-project proposal.

- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

Does not apply.

- c. Proposed measures to reduce or control emissions or other impacts to air, if any:

Does not apply.

3. Water

- a. Surface:

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

This is not a site-specific proposal. The forest practices rules (Title 222 WAC) have provisions that address the impacts to water by forest practices. This proposal does not influence those provisions.

- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

This is not a site-specific proposal. The forest practices rules (Title 222 WAC) have provisions that address the water quality. This proposal does not influence those provisions.

- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of the fill material.

This is not a site-specific proposal. The forest practices rules (Title 222 WAC) have provisions that address fill and dredge. This proposal does not influence those provisions.

- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

This is not a site-specific proposal. Potentially, forest practices may require surface water withdrawals or diversions as a result of road construction and maintenance activities. The forest practices rules (Title 222 WAC) are designed to protect water quality and riparian habitat if a forest practices application includes water crossing or if road construction is proposed near a water body. The proposal does not impact those provisions.

- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

This is not a site-specific proposal. The proposal applies to a wide range of sites including within 100-year floodplains but does not change the forest practices rules (Title 222 WAC) that govern activities within flood plains.

- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

The forest practices rules (Title 222 WAC) protect water quality by limiting the placement of forest practices waste materials in, and the delivery of sediment and surface water runoff to all types of waters. These policies apply to any typed water in amounts or by means that preclude achieving water quality. This proposal does not impact those provisions.

b. Ground:

- 1) Will groundwater be withdrawn, or will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.

Not applicable to this non-project proposal.

- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals . . . ; agricultural; etc.).

Describe the general size of the system, the number such systems, the number of houses to be served (if applicable), or the number animals or humans the system(s) are expected to serve.

Not applicable to this non-project proposal.

c. Water Runoff (including storm water):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities if known). Where will this water flow? Will this water flow into other waters? If so, describe.

Not applicable to this non-project proposal.

- 2) Could waste material enter ground or surface waters? If so, generally describe.

Not applicable to this non-project proposal.

d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:

Not applicable to this non-project proposal.

4. Plants

a. Check or circle types of vegetation found on the site:

deciduous tree: alder, maple, aspen, other

evergreen tree: fir, cedar, pine, other

shrubs

grass

pasture

crop or grain

wet soil plants: cattail, buttercup, bulrush, skunk cabbage, other

water plants: water lily, eelgrass, milfoil, other

other types of vegetation

This is not a site-specific proposal. In general, spotted owls use evergreen trees such as Douglas fir, western hemlock, Sitka spruce, western and red cedar, silver fir, grand fir, and ponderosa pine in Washington State.

b. What kind and amount of vegetation will be removed or altered?

No vegetation will be removed or altered as a result of this proposal.

c. List threatened or endangered species known to be on or near the site.

Not applicable to this non-project proposal.

- d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

Not applicable to this non-project proposal.

5. Animals

- a. Circle any birds and animals which have been observed on or near the site or are known to be on or near the site:
birds: hawk, heron, eagle, songbirds, other:
mammals: deer, bear, elk, beaver, other:
fish: bass, salmon, trout, herring, shellfish, other:

Not applicable to this non-project proposal.

- b. List any threatened or endangered species known to be on or near the site.
This is not a site-specific proposal. The Northern Spotted Owl is listed as “threatened” under the federal Endangered Species Act and “endangered” by rule of the Washington Fish and Wildlife Commission.

- c. Is the site part of a migration route? If so, explain.

Not applicable to this non-project proposal.

- d. Proposed measures to preserve or enhance wildlife, if any:

The rule change under this proposal would ensure that no site center will be decertified until after December 31, 2008. This is to allow time for the Forest Practices Board to determine whether the forest practices rules (Title 222 WAC) should be amended in light of NSO population declines, threats posed by barred owls, and changes in NSO habitat since the Board adopted rules in 1996 for habitat protection.

6. Energy and Natural Resources

- a. What kinds of energy (electrical, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

Not applicable to this non-project proposal.

- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

Not applicable to this non-project proposal.

- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

Not applicable to this non-project proposal.

7. Environmental Health

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste that could occur as a result of this proposal? If so, describe.

Not applicable to this non-project proposal.

- 1) Describe any emergency services that might be required.

Not applicable to this non-project proposal.

- 2) Propose measures to reduce or control environmental health hazards, if any:

Not applicable to this non-project proposal.

b. Noise

1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?
Not applicable to this non-project proposal.

2) What types and levels of noise would be created by or associated with the project on a short-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.
Not applicable to this non-project proposal.

3) Proposed measures to reduce or control noise impacts, if any:
Not applicable to this non-project proposal.

8. Land and Shoreline Use

a. What is the current use of the site and adjacent properties?
Not applicable to this non-project proposal.

b. Has the site been used for agriculture? If so, describe.
Not applicable to this non-project proposal.

c. Describe any structures on the site.
Not applicable to this non-project proposal.

d. Will any structures be demolished? If so, what?
Not applicable to this non-project proposal.

e. What is the current zoning classification of the site?
Not applicable to this non-project proposal.

f. What is the current comprehensive plan designation of the site?
Not applicable to this non-project proposal.

g. If applicable, what is the current shoreline master program designation of the site?
Not applicable to this non-project proposal.

h. Has any part of the site been classified as an "environmentally sensitive" area? If so, specify.
The forest practices rules (Title 222 WAC) have provisions that address activities that may affect environmentally sensitive areas, e.g., wetlands, fish and non-fish streams and water bodies, steep slopes and unstable soils. This proposal does not impact those provisions.

i. Approximately how many people would reside or work in the completed project?
Not applicable to this non-project proposal.

j. Approximately how many people would the completed project displace?
Not applicable to this non-project proposal.

k. Proposed measures to avoid or reduce displacement impacts, if any:
Not applicable to this non-project proposal.

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:
Not applicable to this non-project proposal.

9. Housing

a. Approximately how many units would be provided, if any? Indicate whether high, middle or low-income housing.
Not applicable to this proposal.

- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.
Not applicable to this proposal.

- c. Proposed measures to reduce or control housing impacts, if any:
Not applicable to this proposal.

10. Aesthetics

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?
Not applicable to this proposal.

- b. What views in the immediate vicinity would be altered or obstructed?
Not applicable to this proposal.

- c. Proposed measures to reduce or control aesthetic impacts, if any:
Not applicable to this proposal.

11. Light and Glare

- a. What kind of light or glare will the proposal produce? What time of day would it mainly occur?
Not applicable to this proposal.

- b. Could light or glare from the finished project be a safety hazard or interfere with views?
Not applicable to this proposal.

- c. What existing off-site sources of light or glare may affect your proposal?
Not applicable to this proposal.

- d. Proposed measures to reduce or control light and glare impacts, if any:
Not applicable to this proposal.

12. Recreation

- a. What designated and informal recreation opportunities are in the immediate vicinity?
Not applicable to this non-project proposal.

- b. Would the proposed project displace any existing recreational uses? If so, describe.
Not applicable to this non-project proposal.

- c. Proposed measures to reduce or control impacts on recreation, including recreational opportunities to be provided by the project or applicant, if any:
Not applicable to this non-project proposal.

13. Historic and Cultural Preservation

- a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.
The proposal generally applies to a wide range of sites and does not modify any requirements related to cultural resources.

- b. Generally describe any landmarks or evidence of historic, archeological, scientific, or cultural importance known to be on or next to the site? If so, generally describe.
Not applicable to this non-project proposal.

- c. Proposed measures to reduce or control impacts, if any:
The proposal does not modify any requirements related to cultural resources.

14. Transportation

- a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans if any.
Not applicable to this non-project proposal.
- b. Is the site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?
Not applicable to this non-project proposal.
- c. How many parking spaces would the completed project have? How many would the project eliminate?
Not applicable to this non-project proposal.
- d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).
Not applicable to this non-project proposal.
- e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.
Not applicable to this non-project proposal.
- f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.
Not applicable to this non-project proposal.
- g. Proposed measures to reduce or control transportation impacts, if any:
Not applicable to this non-project proposal.

15. Public Services

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe.
Not applicable to this non-project proposal.
- b. Proposed measures to reduce or control direct impacts on public services, if any.
Not applicable to this non-project proposal.

16. Utilities

- a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other.
Not applicable to this non-project proposal.
- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.
Not applicable to this non-project proposal.

C. SIGNATURE

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: _____

L.S. Young

Review by: Leonard Young

Title: Forest Practices Division Manager

Date: _____

11/19/07

D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS
(Do not use this sheet for project action)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment. When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?
The proposal would not affect these conditions.

Proposed measures to avoid or reduce such increases are:
Does not apply.

2. How would the proposal be likely to affect plants, animals, fish or marine life?
The intention of this proposal is to have a positive effect on the amount of habitat available to the Northern Spotted Owl (NSO).

Proposed measures to protect or conserve plants, animals, fish, or marine life are:
The Forest Practices Board proposes to amend WAC 222-16-010 to ensure that no NSO site center will be decertified until after December 31, 2008. This will allow time for the Board to determine whether the forest practices rules (Title 222 WAC) should be amended in light of NSO population declines, threats posed by barred owls, and changes in NSO habitat since the Board adopted rules in 1996 for habitat protection.

3. How would the proposal be likely to deplete energy or natural resources?
There is no likelihood of the proposal depleting an energy resource. The proposal is intended to protect, not deplete NSO habitat, thereby giving a higher level of protection to that species and others that use its habitat.

Proposed measures to protect or conserve energy and natural resources are:
See 2. above.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designed (or eligible or under study) for governmental protection: such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands? Proposed measures to protect such resources or to avoid or reduce impacts are:
The proposal would amend WAC 222-16-010 to conserve potential NSO habitat (see 2. above).

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?
Proposed measures to avoid or reduce shoreline and land use impacts are:
Does not apply to the proposal.

6. How would the proposal be likely to increase demands on transportation or public services and utilities?
Proposed measures to reduce or respond to such demand(s) are:
Does not apply to the proposal.

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.
The proposal does not conflict with state or federal laws that provide for protection measures related to NSO habitat or any other local, state, or federal laws.

Forest Practices Board
Permanent Rule Proposal for Northern Spotted Owl
October 11, 2007

WAC 222-16-010 *General definitions

...

"Northern spotted owl site center" means:

- (1) Until ~~June 30, 2007~~ December 31, 2008, the location of northern spotted owls:
 - (a) Recorded by the department of fish and wildlife as status 1, 2 or 3 as of November 1, 2005; or
 - (b) Newly discovered, and recorded by the department of fish and wildlife as status 1, 2 or 3 after November 1, 2005.
- (2) After ~~June 30, 2007~~ December 31, 2008, the location of status 1, 2 or 3 northern spotted owls based on the following definitions:

- Status 1: Pair or reproductive - a male and female heard and/or observed in close proximity to each other on the same visit, a female detected on a nest, or one or both adults observed with young.
- Status 2: Two birds, pair status unknown - the presence or response of two birds of opposite sex where pair status cannot be determined and where at least one member meets the resident territorial single requirements.
- Status 3: Resident territorial single - the presence or response of a single owl within the same general area on three or more occasions within a breeding season with no response by an owl of the opposite sex after a complete survey; or three or more responses over several years (i.e., two responses in year one and one response in year two, for the same general area).

In determining the existence, location, and status of northern spotted owl site centers, the department shall consult with the department of fish and wildlife and use only those sites documented in substantial compliance with guidelines or protocols and quality control methods established by and available from the department of fish and wildlife.